

City Council Agenda

Council President
Jerry Duncan

Councilmembers

Tom Boyajian
Brian Calhoun, Ph.D.
Mike Dages

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

Henry T. Perea – Acting President
Cynthia Sterling
Larry Westerlund

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

September 26, 2006

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

8:30 A.M. ROLL CALL

Invocation by Councilmember Dages

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "KIPP ACADEMY DAY" – Councilmember Boyajian

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

September 26, 2006

***SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

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AND MAY BE AMENDED AT ANYTIME

Approve minutes of September 19, 2006

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 11:00 a.m.

- A. * Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and Amalgamated Transit Union, Local 1027 – Unit 6 (ATU), covering the period July 1, 2006, through June 30, 2009 – Personnel Services Dept.

Action Taken:

1. * Approve Side Letter of Agreement between City of Fresno and ATU regarding Wage Order No. 9-2001

Action Taken:

2. * Approve an appendix to the City of Fresno Retiree Health Reimbursement Arrangement (HRA)

Action Taken:

3. * **RESOLUTION** – 7th amendment to Salary Resolution No. 2006-257 amending Exhibit 6, Transit (ATU)

Action Taken:

- B. * Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and Fresno City Professional Employees Association – Unite 13 (CFPEA), covering the period July 1, 2006, through June 30, 2009 – Personnel Services Dept.

Action Taken:

1. * Adopt Side Letter Agreement between City and CFPEA regarding supervisor increases.

Action Taken:

2. * Approve an Appendix to the City of Fresno Retiree Health Reimbursement Arrangement (HRA)

Action Taken:

3. * **RESOLUTION** – 6th amendment to the Salary Resolution 2006-257 amending Exhibit 2, Section 2.4, Management Non-Confidential Classes (CFPEA) and Section 2.5, Non-Management Confidential Classes (CFPEA) Classes

Action Taken:

- C. * **RESOLUTION** - 5th amendment to Salary Resolution No. 2006-257 correcting the calculation of shift pay for temporary employees and updating the documents to correctly reflect Memorandum of Understanding (MOU) changes relating to administrative leave – Personnel Services Dept.

Action Taken:

- D. * Removal of financing limitation in the aviation group's lease at Fresno Yosemite International Airport (FYI) to facilitate sale of their lease interest to Ross Fresno, LLC – Airports Dept.

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- E. * Adopt proposed spending plan for Fiscal Year 2006-2007 State of California Supplemental Law Enforcement Services Funds (SLESF) – Police Dept.

Action Taken:

1. * **RESOLUTION** - 17th amendment to AAR 2006-253 appropriating \$1,143,700 for the Supplemental Law Enforcement Services Fund (SLESF) Program which supports front line law enforcement operations **(Requires 5 affirmative votes)**

Action Taken:

- F. * Authorize Police Chief to enter into and execute the amended agreement and required program documents with the Office of Traffic Safety for the Help Eliminate Alcohol Re-offender Team (HEART) grant – Police Dept.

Action Taken:

1. * **RESOLUTION** - 15th amendment to AAR 2006-253 appropriating \$165,000 for the Help Eliminate Alcohol Re-offender Team (HEART) grant project which is funded by the Office of Traffic Safety **(Requires 5 affirmative votes)**

Action Taken:

- G. * Authorize City of Fresno to renew an existing contractual agreement with the County of Fresno for graffiti abatement services on City/County borders and in County islands within the City – Police Dept.

Action Taken:

1. * **RESOLUTION** - 19th amendment to AAR 2006-253 appropriating \$45,000 to authorize the City of Fresno to renew an existing contractual agreement with the County of Fresno for graffiti abatement services on the County of Fresno for the graffiti abatement services on City/County borders and in County islands within the City **(Requires 5 affirmative votes)**

Action Taken:

- H. Adopt resolutions pertaining to the Selective Traffic Enforcement Program (STEP): - Police Department

1. * **RESOLUTION** - Authorize the Chief of Police to enter into and execute the agreement and required program documents with the California Office of Traffic Safety for the Selective Traffic Enforcement Program (STEP)

Action Taken:

2. * **RESOLUTION** - 14th amendment to AAR 2006-253 appropriating \$600,000 for the Selective Traffic Enforcement Program (STEP) grant project which is funded by the Office of Traffic Safety **(Requires 5 affirmative votes)**

Action Taken:

3. * **RESOLUTION** – 3rd amendment to PAR No. 2006-254 adding a position for the Selective Traffic Enforcement Program (STEP)

Action Taken:

- I. * Authorize agreement between the City of Fresno and Caltrans to provide a freeway litter clean-up program with use of inmate labor - Police Department

1. * **RESOLUTION** - 18th amendment to AAR 2006-253 appropriating \$132,000 to authorize the agreement between the City of Fresno and Caltrans to provide a freeway litter clean-up program with the use of inmate labor **(Requires 5 affirmative votes)**

Action Taken:

2. * **RESOLUTION** – 2nd amendment to PAR 2006-254 adding a position for the litter clean-up program with the use of inmate labor

Action Taken:

- J. * Award the following multi-prime contract related to the remodeling of the Saroyan Theater Lobby Bid Package No. 1 – concrete, demolition and general specialties **(Property located in District 3)** – Public Works Dept.

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- K. **RESOLUTION** - Setting October 24, 2006, at 10:00 a.m. for the public hearing to consider formation of Underground Utility District No. FRE-87 (Orange Avenue between North Avenue and the southwesterly right-of-way line of State Route 99) – Public Works Dept.
Action Taken:
- L. * Approve amendment to the agreement between the City of Fresno and Townsend Public Affairs – City Manager's Office
Action Taken:
- M. Matters pertaining to the City Hearing Officer: (City Manager's Office)
1. * Approval of contract with James Donabed for Hearing Officer services
Action Taken:
2. * Approval of contract with Alan Vengoyan for Hearing Officer services
Action Taken:
- N. Approve responses to the 2005-2006 Grand Jury Report – City Manager's Office
Action Taken:
- O. * Authorize renewal of Senior Hot Meals Site Management Contract with Fresno-Madera Agency on Aging – PR&CS
Action Taken:
1. * **RESOLUTION** – Approving the fiscal year 2006-2007 Senior Hot Meals Site Management (service provider) contract with Fresno-Madera Area Agency on Aging and authorizing execution of documents
Action Taken:
- P. * Request the authorization for the Parks, Recreation and Community Services Department to Lease-Purchase two prefabricated restroom buildings for Roeding Park using the City's Master Lease Agreement – PR&CS
Action Taken:
- Q. * **RESOLUTION** - Authorizing the purchase of an automated telescopic seating system for Selland Arena from Figueras Seating USA without advertised competitive bidding – Public Works Dept.
Action Taken:
- R. * **RESOLUTION** - 22nd amendment to AAR No. 2006-253 to re-budget \$680,900 from various Council District infrastructure funds based on the carry-over balances from fiscal year 2006 (***Requires 5 affirmative votes***) – Finance Dept/Budget Division
Action Taken:

2. **CITY COUNCIL**

- A. Discussion and direction regarding the status of the Human Relations Commission – Councilmember Sterling
Action Taken:
- B. Appointment of Council Special Budget Committee – Acting President Perea
Action Taken:
1. Presentation from the City Manager's Office
- C. Establishing a Council policy on taking positions on election measures and candidates - Council President Duncan
Action Taken:
- D. **RESOLUTION** – In support of Proposition 84 The Clean Water, Parks and Coastal Protection Bond of 2006 – Acting President Perea and Councilmember Calhoun
Action Taken:

2. **CITY COUNCIL CONTINUED**

- E. * Adopt amendment to the Video Policing Policy manual regarding the monitoring of political demonstrations - Council President Duncan

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION –**

- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

9:15 A.M. **GENERAL ADMINISTRATION**

- A. Approval of appointment of Jean Rousseau as City Controller – City Manager's Office

Action Taken:

- B. Discussion and action concerning Storyland/Playland general liability and excess liability insurance funding – City Manager's Office

Action Taken:

1. * **RESOLUTION** - 7th amendment to AAR No. 2006-253 appropriating \$75,000 to fund Storyland/Playland General Liability and Excess Liability Insurance **(Requires 5 affirmative votes)**

Action Taken:

- C. * **RESOLUTION** - Adopting an investment policy for public funds for Fiscal Year 2006-2007 – Finance Dept.

Action Taken:

9:45 A.M. **HEARING** to consider Rezone Application No. R-05-109, and environmental findings, filed by New Urban Strategies, LLC, pertaining to approximately 51.88 net acres of property located on the east side of N. Cornelia Avenue between W. Belmont and W. Olive Avenues **(Property located in District 3)** – Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-05-109/T-5674, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

Action Taken:

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the RR (Rural Residential, Fresno County) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone District

Action Taken:

9:50 A.M. **HEARING** to consider Rezone Application No. R-06-25, and environmental findings, filed by John and Mabel Adams and Darryl and Gretchen Freedman pertaining to approximately 0.73 acre of property located on the south side of W. Whites Bridge Avenue between S. Arthur and S. Thorne Avenues **(Property located in District 3)** – Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-06-25/TPM-2006-16, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

Action Taken:

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the C-6 (Heavy Commercial) and the R-1 (*Single Family Residential*) zone districts to the R-2 (*Low Density Multiple Family Residential*) zone district

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:00 A.M.** **WORKSHOP** relating to Navigant Consulting on Public Utility Governance structure – Dept. of Public Utilities
- 10:30 A.M.** **CONTINUED HEARING** to adoption of Finding of Conformity with the Master Environmental Impact Report 10130 for the City's 2025 General Plan – Public Works Dept. *(Continued to 10/17/2006 @ 10:30 A.M.#2)*
Action Taken:
a. * **RESOLUTION** - 443rd amendment to the MFS Resolution No. 80-420
 Action Taken:
b. **BILL (For introduction)** - To establish a new Citywide and quadrant based major street impact fees
 Action Taken:
- 11:00 A.M.#1** **CONTESTED CONSENT CALENDAR**
- 11:00 A.M.#2** **CONTINUED HEARING** to consider adoption of a resolution amending the Storm Drainage and Flood Control Map and amending the drainage fees and costs for each local drainage area for all developments within the joint area of the City of Fresno, California and the Fresno Metropolitan Flood Control *(Continue to January 10, 2007 @ 10:00 a.m.)*
Action Taken:
- 12:00 P.M.** Presentation by members of the California Partnership of the San Joaquin Valley on status of Strategic Action Plan -Mayor's Office
a. **RESOLUTION** – In support of the efforts of the California Partnership for the San Joaquin Valley
 Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

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| Oct. | 3 - | 9:45 A.M. | HEARING re: Rezone Application No. R-05-103, filed by Seng Van and Txa Vang |
| Oct. | 3 - | 9:50 A.M. | HEARING re: Rezone Application No. R-06-35, filed by Generation Homes |
| Oct. | 3 - | 9:55 A.M. | HEARING re: Rezone Application No. R-06-463, filed by Joseph & Lillian Rajskup |
| Oct. | 3 - | 10:00 A.M. | HEARING re: Community Facilities District No. 11, Annexation 10, Tract 5614 |
| Oct. | 3 - | 10:10 A.M. | WORKSHOP re: to the Fulton Mall |
| Oct. | 3 - | 10:30 A.M. | WORKSHOP - The Mayor's Gang Prevention Initiative – Police Dept. |
| Oct. | 3 - | 11:00 A.M. | JOINT HEARING with the RDA re: approval of Relocation Plan |
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| Oct. | 10 - | NO MEETING – COLUMBUS DAY | |
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| Oct. | 17 - | 10:00 A.M. | HEARING re: the vacation of a portion of Ellery Avenue between Hanover and Sonora Avenues - R.I. 1054-D |
| Oct. | 17 - | 10:10 A.M. | HEARING re: the vacation of a purported alley lying in the north twenty feet of lot 32 in Block 8 of Calwa Townsite, located on the south side of Jensen Avenue bypass east of Eleventh Street |
| Oct. | 17 - | 10:30 A.M.#1 | CONTINUED HEARING to consider increase to the current Citywide traffic signal impact fee |
| Oct. | 17 - | 10:30 A.M.#2 | CONTINUED HEARING to adoption of Finding of Conformity with the Master Environmental Impact Report 10130 for the City's 2025 General Plan – Public Works Dept. |
| Oct. | 17 - | 3:00 P.M. | HEARING relating to Text Amendment Application No. TA-06-02 (Variety Pak No. 3) |
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| Oct. | 24 - | 8:30 A.M. | Presentation of P.R.I.D.E. Team Certificates for the Fall Quarter – <i>(Reception immediately following – 2nd floor foyer)</i> |
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| Oct. | 24 - | 10:00 A.M. | HEARING re: UUD No. FRE-87 (Orange Avenue betw. North Avenue and the State Route 99) |
| Oct. | 31 - | 10:00 A.M. | HEARING re: CUP No. C-05-73, filed Sol Development on behalf of Transtar Holdings |

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

Nov.	14 -	10:00 A.M.	HEARING to adopt a resolution to change the rate and method of apportioning the special tax and establishing a new maximum special tax for Annexation No. 128, Final Tract No. 5287 of CFD No. 2
Nov.	15 -	3:00 P.M.	(WEDNESDAY) Presentation of Employee Service Awards in the Council Chambers – <i>(Reception immediately following – 2nd floor foyer)</i>
Nov.	21 -	NO MEETING – THANKSGIVING WEEK	
Nov.	28 -	9:00 A.M.	Presentation by Bart Bohn, County Administrative Officer to discuss proposed increase of County of Fresno's public facilities impact fees
Dec.	19 -	NO MEETING – CHRISTMAS WEEK	
Dec.	26 -	NO MEETING – NEW YEARS WEEK	
Jan. 30, 2007-	10:00 A.M.	CONTINUED HEARING to consider adoption of a resolution amending the Storm Drainage and Flood Control Map and amending the drainage fees and costs for each local drainage area for all developments within the joint area of the City of Fresno, California and the Fresno Metropolitan Flood Control	